REMARKS

This paper is responsive to the Office Action mailed on April 20, 2005. Reconsideration of this application is respectfully requested. Claims 1-25 are currently pending in this application. Claims 11, 12, 21, 22 and 25 are withdrawn. Claims 1-10, 13-20, and 23-24 remain under consideration, and of these, claims 1, 10, 13, and 23 are independent. There are no new claims. No new matter is added.

Claims 1-9, 10, 13-20, and 23-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent Application No. 09/881,074, claims 1-47 of U.S. Patent Application No. 10/251,403, and claims 1-37 of U.S. Patent Application No. 10/655,245. To move prosecution forward, enclosed herewith are terminal disclaimers in compliance with 37 CFR 1.321(c) signed by the attorney of record for overcoming the double-patenting rejection and the required fee under 37 CFR 1.20(d).

Claims 1-5, 7, 10, 13, 14, 17, 19, 23, 24 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,389,419 to Wong et al (hereafter, referred to as "Wong"). The rejection is hereby traversed and reconsideration thereof is respectfully requested in view of the remarks set forth below.

Wong pertains to network appliances (e.g., load balancers, network address translation devices, proxies, firewalls, packet monitors, etc.) configured to store and retrieve instructions for handling a packet corresponding to a connection (i.e., incoming, outgoing). See abstract and column 1, lines 24-26. As recited in claim 1, Wong does not describe any of the following: setting a flag in said memory, said flag associated with said location; receiving a query message identifying a target packet at said first network component; said first network component using said flag in processing said query message to determine if said target packet has been encountered; OR, creating a reply if said target packet has been encountered. Rather, Wong utilizes hash tables to apply rules to incoming or outgoing packets. Indeed, Wong receives no query messages nor sets any flags—as conceded in the Office Action on page 13 of the Office Action. Thus, there is an inconsistency in the Office Action. At page 5, the Action asserts that Wong teaches setting a flag in the memory where the flag is associated the location in memory. Yet on page 13, when making out a rejection under §103, the Action concedes that Wong lacks any teaching of this setting of a flag associated with a location in memory. Applicants submit

that no such teaching exists in Wong, and the rejection under §102 under Wong is to be withdrawn.

Moreover, regarding claim 4, nothing in Wong teaches a reply that contains a network address and the cited-to Fig 1A has no teaching of any such reply and merely shows a block diagram labeled with two blocks "Address A" and "Address B". Importantly, Applicant points out that no reply is shown or described. Yet this is the explicit subject matter of claim 4. Applicant respectfully requests that this objection be withdrawn.

Additionally, regarding claim 5, nothing in Wong describes determining a hash value over the entire packet. Wong only hashes over the address data and the cited-to section of Wong (column 5, lines 65 – column 6, line 3) only describes hashing over the addresses. As Wong applies rules to incoming and outgoing data flows, Wong hashes the address information in the packet. Wong never teaches, nor would there be any reason for Wong to teach, hashing over an entire packet.

Regarding claim 10, Wong does not describe setting a flag at said first location said flag indicating said first hash value has occurred; OR, making a reply available to said network if said information contained in said second one of said plurality of packets indicates that said first one of said plurality of packets has been observed. As described above, Wong applies rules to packets contained in a packet flow. Wong is silent with respect to setting flags and making replies of any kind.

Regarding claim 13, Wong does not describe a reply made available to certain of said devices in said network using said second interface. Wong does not employ a second interface. Rather, packets are transmitted and received over a single bus (hence, the bidirectional hash table). Moreover, Wong is silent with respect to replies, as it is incongruous with the invention described.

With respect to claim 23, Wong does not describe identifying an ingress location of a target packet. Instead, Wong identifies and discriminates amongst incoming, outgoing, and bidirectional packets. Wong does not burden itself with a body portion of a computer-readable data signal identifying an ingress location.

Claims 23-24 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,038,233 (Hamamoto). §102(b) states:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

Hamamoto was patented on March 2, 2000. The effective filing date of the present application (priority perfected to provisional application of same subject matter) is June 19, 2000. March 2, 2000 is not more than one year prior to the date of the application. Therefore, Hamamoto is unavailable as prior art under §102(b).

Regardless, Hamamoto does not describe a hash value, as required by claim 23. Column 5, lines 66—column 6, line 67 pertains to the translation between IPv4 and IPv6 address and does not disclose hash values of any kind. Therefore, Hamamoto does not anticipate claim 23.

Claims 1-5, 7, 9, 10, 13-15, 17, and 19 are rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent 6,389,419 to Wong et al. in view of U.S. Patent 5,959,976 to Kuo. The rejection is hereby traversed and reconsideration thereof is respectfully requested in view of the above elucidated remarks in opposition of the Wong anticipatory rejection. Simply put, Kuo does not remedy the deficiencies found within the Wong reference. Nothing in Kuo shows a query message being processed to determine if a target packet has been encountered. Nothing in Kuo teaches creating a reply.

As such, the combination fails to teach each and every element of the claimed invention. Specifically, the combination of Wong with Kuo does not describe, "[a] query message identifying a target packet at said first network component" (as recited by claim 1), "[a] flag indicating said first hash value has occurred" (as recited by claim 10), nor "a reply made available to certain of said devices in said network using said second interface" (as recited by claim 13).

At least for these reasons, Hamamoto, Wong, Kuo, and Cox, taken either alone or in combination, fail to teach or suggest the features recited claims 1, 10, and 13. Therefore, independent claims 1, 10, 13 and 23 distinguish over the art of record and should be allowed. Claims 2-9, 14-20, and 24 depend, directly or indirectly, from claims 1, 10, 13 and 23 and are also patentable for at least for the same reasons that claims 1, 10, 13 and 23 are patentable. Applicant believes the pending application is in condition for allowance.

The Commissioner is authorized to charge Deposit Account No. 18-1945 under Order No. BBNT P01-368 the fee of $1,410.00 to cover the cost of the petitioned three months extension of time and the multiple terminal disclaimer fees. No other fees are believed to be due in connection with this paper. However, please charge any fees or credit any overpayment that may be due in connection with this paper to Deposit Account No. 18-1945, under Order No. BBNT P01-368 from which the undersigned is authorized to draw.

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Respectfully submitted,

By _____

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